

SIXTY-SECOND DAY**Continued**

(Tuesday, May 4, 1943. Legislative Day of Monday, May 3, 1943, Continued.)

The Senate met at 10 o'clock a. m., and was called to order by the President pro tempore Mauritz.

**Committee Substitute House Bill 176
on Passage to Third Reading**

The Senate resumed consideration of pending business, same being C. S. H. B. No. 176, the "rural aid bill," on its passage to third reading.

(Pending further consideration of the bill, Senator Brownlee occupied the Chair temporarily.)

(President in the Chair.)

Senator Morris moved to rescind the action of the Senate in adopting the amendments to the bill by Senator Metcalfe and by Senator Aikin.

The motion prevailed.

Record of Vote

Senator Aikin asked to be recorded as voting "nay" on the motion to rescind.

Senator Metcalfe offered the following amendment to the bill:

Amend H. B. No. 176, page 3, Section 4, by adding after the word "school" in the next to the last line of said Section, the following:

"who are scholastics of the district."

The amendment was adopted.

Senator Morris moved the previous question on the passage of the bill to third reading, and the motion was duly seconded.

The Senate refused to order the main question at this time by the following vote:

Yeas—11

Beck	Moffett
Bullock	Morris
Chadick	Ramsey
Lane	Shivers
Lovelady	Stone
Mauritz	

Nays—13

Aikin	Graves
Brownlee	Hazlewood
Cotten	Jones

Lanning
Metcalfe
Moore
Sulak

Vick
Weinert
Winfield

Absent

Martin

York

Absent—Excused

Fain
Formby
Kelley

Lemens
Spears

On motion of Senator Lovelady, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

**Committee Substitute House Bill 176
on Third Reading**

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 176 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Sulak asked to be recorded as voting "nay" on the passage of the bill.

House Bills on First Reading

The following House bills, received from the House on yesterday, were laid before the Senate, read first time, and referred to the committees indicated.

H. B. No. 740, to Committee on Insurance.

H. B. No. 742, to Committee on Stock and Stock Raising.

H. B. No. 736, to Committee on Counties.

H. B. No. 735, to Committee on Judicial Districts.

H. B. No. 729, to Committee on Oil, Gas and Conservation.

H. B. No. 731, to Committee on Game and Fish.

H. B. No. 730, to Committee on State Affairs.

Committee Substitute House Bill 219 on Second Reading

On motion of Senator Aikin, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 219, A bill to be entitled "An Act appropriating the sum of One Million One Hundred Eighty-six Thousand Five Hundred Fifty-five and 58/100 (\$1,186,555.58) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1943, and ending August 31, 1945, from the General Revenue Fund for the purpose of promoting public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, vocational rehabilitation and rehabilitation for crippled children according to the Federal laws governing vocational education, all of which shall be matched by Federal funds; etc.; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time and was passed to third reading.

Committee Substitute House Bill 219 on Third Reading

Senator Aikin moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 219

be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Concurrent Resolution 53

Senator Metcalfe, by unanimous consent, offered the following resolution:

S. C. R. No. 53, Protesting restrictions by Department of Agriculture relative to marketing of wool.

Whereas, Texas, with more than ten million sheep and an annual production of over eighty million pounds of wool is the largest producer of wool in the United States; and

Whereas, Under the terms of Executive Order No. 9320, of the United States Department of Agriculture, the requirement is made that after April 24, 1943, the sale of domestic wool is restricted solely to the Commodity Credit Corporation; and

Whereas, Under the provision set up for the purchase of wool by the Commodity Credit Corporation a heavy charge is made on the grower for this service and many additional duties are imposed on the warehouse operators, thereby causing them much added expense, for which no payment is made; and

Whereas, The growers of wool in Texas, the warehouses handling this product, and the buyers thereof are

cheerfully complying with all price regulations, consignment and all other restrictions, thereby expediting the delivery of this vital product for the needs of the war effort; and

Whereas, The continuation of the long-established and smoothly functioning policies of marketing of this product through the ordinary channels of trade would have better served the country then by having the purchase restricted to any governmental agency; and

Whereas, By starting this restriction in the midst of the shearing and selling season, after some growers had already sold their wool and others had not, a severe injustice will be done to many and also confusion and delay brought about in the marketing of this product, which is necessary for the war effort; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That we go on record as being opposed to limitation of the sale of Texas wools to any governmental agency, unless and until it has been conclusively established that such a policy is necessary to further the war effort; and, be it further

Resolved, That we request a modification of the said Executive Order No. 9320, of the United States Dept. of Agriculture, to the extent that the charges made to the growers be reduced. that the warehouses be protected and paid by the Government for the additional services and duties imposed on them, by reason of said order, and that the purchase of Texas wool by the Government be postponed until the beginning of the next delivery season, to the end that the injustices and confusion, which otherwise would ensue will be prevented, and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, to the Secretary of Agriculture and to all the members of the Texas delegation of the National Congress.

METCALFE,
WINFIELD,
BROWNLEE,
MARTIN,
BULLOCK.

The resolution was read and was adopted.

Committee Substitute Senate Bill 354 on Passage to Engrossment

By unanimous consent, the Senate, at this time, resumed consideration of C. S. S. B. No. 354, the miscellaneous claims bill, on its passage to engrossment.

Senator Graves offered the following amendment to the bill:

Amend S. B. No. 354 by adding thereto "Atlantic Life Insurance Co., \$2,850.66."

The amendment was adopted.

Senator Aikin offered the following amendment to the bill:

Amend S. B. No. 354 by adding the following:

"For payment out of the Professional Engineers' Fund for reimbursement of expenses:

F. E. Rightor (Deceased).....	\$190.22
J. S. Hudnall.....	168.52
Carl L. Svensen.....	192.78

Total.....\$551.58"

The amendment was adopted.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 354 by adding thereto two items as follows:

"Houston Natural Gas Corporation —overpayment of gross receipts tax on town of Silsbee...\$256.40."

"Mrs. J. Leverton, Houston, Texas, overpayment taxes on 1131 West Melwood Avenue...\$7.47."

The amendment was adopted.

The bill was passed to third reading.

Committee Substitute Senate Bill 354 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. S. B. No. 354 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Graves
Beck	Hazlewood
Brownlee	Jones
Bullock	Lane
Chadick	Lanning
Cotten	Lovelady

Martin	Shivers
Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Moore	Weinert
Morris	Winfield
Ramsey	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Motion to Take up Senate Bill 193

Senator Brownlee moved that the regular order of business be suspended to take up for consideration at this time:

S. B. No. 193, A bill to be entitled "An Act to amend Sections 2 and 8 of S. B. No. 103, Chapter 497, Regular Session of the Forty-seventh Legislature, to extend the time in which the development of [housing] projects may be initiated thereunder; and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—15

Aikin	Martin
Beck	Morris
Brownlee	Shivers
Bullock	Stone
Chadick	Sulak
Jones	Vick
Lane	Weinert
Lovelady	

Nays—8

Cotten	Moffett
Graves	Moore
Lanning	Ramsey
Mauritz	Winfield

Absent

Hazlewood	York
Metcalfe	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 366 on Second Reading

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 366 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President laid the bill before the Senate on its second reading and passage to engrossment:

S. B. No. 366, "Authorizing the transfer of an appropriation from the Medical Branch of the University of Texas to the John Sealy Hospital."

The bill was read second time and was passed to engrossment.

Senate Bill 366 on Third Reading

The President then laid S. B. No. 366 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—24

Aikin	Martin
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Ramsey
Cotten	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent

Mauritz	Morris
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Conference Committee on
Senate Bill 333

The President announced the appointment of the following conferees on the part of the Senate on S. B. No. 333:

Senators Lanning, Metcalfe, Lovelady, Brownlee, and Morris.

Motion to Take up Senate Bill 283

Senator Lane moved that the regular order of business be suspended to take up for consideration at this time:

S. B. No. 283, A bill to be entitled "An Act to validate orders of the Railroad Commission of Texas heretofore entered granting permits to drill wells for oil and/or gas as exceptions to Rule 37 of the Rules and Regulations of the Railroad Commission of Texas relating to the spacing of oil wells, providing for production from such wells; and declaring an emergency."

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

Yeas—12

Aikin	Martin
Beck	Mauritz
Chadick	Morris
Hazlewood	Shivers
Lane	Stone
Lovelady	Sulak

Nays—12

Bullock	Moffett
Cotten	Moore
Graves	Ramsey
Jones	Vick
Lanning	Weinert
Metcalfe	Winfield

Absent

Brownlee	York
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Committee Substitute House Bill 9
on Final Passage

On motion of Senator Chadick, and by unanimous consent, the vote by which C. S. H. B. No. 9 was previously passed by the Senate was reconsidered and the bill ordered placed before the Senate on its final passage.

The President then laid before the Senate on its final passage:

C.S.H.B. No. 9, A bill to be entitled "An Act to amend Subsection (4), Section 2, Article XX of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the Clearance Fund to the Old Age Assistance Fund, providing for the appropriation of such funds; and declaring an emergency."

Senator Chadick offered the following amendment to the bill:

Amend the bill by striking out all before and all after the enacting clause and inserting in lieu thereof the following:

"A BILL

"To Be Entitled

"An Act to amend Subsection (4), Section 2, Article XX, of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, State of Texas, Regular Session, and all subsequent amendments thereto, providing for the allocation of funds from the Clearance Fund to the Old Age Assistance Fund; providing a limit of expenditure of State funds for old age assistance; and declaring an emergency."

"Section 1. Subsection (4), Section 2, Article XX, of H. B. No. 8, Chapter 184, Acts of the Forty-seventh Legislature, State of Texas, Regular Session, and all subsequent amendments thereto is hereby amended so as to hereafter read as follows:

"(4) After the above allocations and payments have been made from such Clearance Fund, there shall be paid therefrom into the Old Age Assistance Fund on the first of each month such sum which, taken with the unexpended balance of State funds in such Old Age Assistance Fund, will establish in the Old Age Assistance Fund a total of One Million Nine Hundred Thousand

(\$1,900,000.00) Dollars in State funds for that month. No more than One Million Nine Hundred Thousand (\$1,900,000.00) Dollars in State funds from whatever source, may be expended for old age assistance in any calendar month. If, on the first day of the calendar month, the unexpended balance in the Old Age Assistance Fund, plus the amount on that day transferred from the Clearance Fund to the Old Age Assistance Fund, shall not establish in the Old Age Assistance Fund the total sum of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars in State funds for that month, then, in that event, there shall be deposited to the credit of the Old Age Assistance Fund from the first revenues collected after the first day of the month which would otherwise go into the General Revenue Fund such sum as, with the balance on hand in the fund plus the payment from the Clearance Fund, will make available in the Old Age Assistance Fund a total amount of State funds for that month of One Million Nine Hundred Thousand (\$1,900,000.00) Dollars.'

"Sec. 2. All laws in conflict herewith are hereby repealed to the extent of such conflict only.

"Sec. 3. The fact that old age assistance benefits have been reduced, with the immediate probability of further reductions, and the fact that insufficient money is available for old age assistance, together with the fact that the cost of living is increasing and many old people are not properly clothed and fed because of the reduction of their pensions, and the crowded condition of the calendar, create an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House, and the Constitutional rule requiring bills to take effect and go into force ninety days after the adjournment of the session, be and the same are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted."

Question—Shall the amendment be adopted?

On motion of Senator Chadick, the bill was tabled subject to call.

Senate Bill 89 with House Amendments

Senator Morris called S. B. No. 89 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Morris moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 315 on Second Reading

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 315, A bill to be entitled "An Act making an appropriation of Fifteen Thousand (\$15,000.00) Dollars to the State Treasurer of Texas for the purpose of buying the unused note stamps; setting out legislative intent; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 315 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—23

Aikin	Metcalf
Beck	Moffett
Brownlee	Moore
Bullock	Ramsey
Chadick	Shivers
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Nays—1

Cotten

Absent

Lanning Morris

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 499, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 488, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with the attached Committee amendment and be mimeographed.

LANNING, Chairman.

Austin, Texas,
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 366, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 199, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

LANNING, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 482, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

WEINERT, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 707, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be mimeographed and not otherwise printed.

WEINERT, Chairman.

Committee Room,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred H. B. No. 328, have had the same under

consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

LOVELADY, Chairman.

Committee Room,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Education to whom was referred H. B. No. 96, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed, but be mimeographed.

LOVELADY, Chairman.

Committee Room,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 649, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

METCALFE, Chairman.

Austin, Texas,
April 27, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic to whom was referred H. B. No. 632, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

METCALFE, Chairman.

Committee Room,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office to whom was referred H. B. No. 141, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Labor to whom was referred

H. B. No. 685, A bill to be entitled "An Act relating to contributions of employers to unemployment compensation fund."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MARTIN, Chairman.

May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Judicial Districts to which H. B. No. 503 was referred, have had same under consideration, and report same back to the Senate with the recommendation that it do pass and be not printed.

BECK, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred H. C. R. No. 127, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with Committee amendment and be not printed.

MOFFETT, Vice Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Game and Fish to whom was referred H. B. No. 705, have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

STONE, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Departments and Institutions to whom was referred H. B. No. 719, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

YORK, Chairman.

Committee Room,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 521, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 755, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries to whom was referred H. B. No. 744, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

GRAVES, Chairman.

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 740, have had the same under consideration, and I am instructed to report back to the Senate with recommendation that it do pass and be not printed.

VICK, Chairman.

Austin, Texas,
May 3, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Insurance to whom was referred H. B. No. 516, have had the same under consideration, and I am instructed to report back with recommendation that the bill do not pass but that the Committee substitute do pass in lieu thereof and be not printed.

VICK, Chairman.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

The House has concurred in Senate amendments to H. B. No. 278 by a viva voce vote.

The House has concurred in Senate amendments to H. B. No. 350 by a viva voce vote.

The House has appointed the following conferees on S. B. No. 333: McDonald, Proffer, Wattner, John Bell, and McLellan.

H. C. R. No. 132, Requesting the Governor to return H. B. No. 655 to the House of Representatives for further consideration.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 343, A bill to be entitled "An Act authorizing the State High-

way Department of Texas to enter into agreements with the Public Roads Administration of the United States for the construction and maintenance of flight strips and of certain classes of roads in order to facilitate the war effort; providing a savings clause; and declaring an emergency."

S. B. No. 81, A bill to be entitled "An Act to amend Article 2654b-1, under Chapter 9a, entitled Tuition and Control of Funds of State Institutions, under Title 49, entitled Education—Public, of the Revised Civil Statutes of the State of Texas, of the year 1925 codification, by adding a new Section under such Article to be known as Section 3, exempting all persons who have served as members or nurses, or are now serving, or who may hereafter serve in the armed forces of the United States of America during the present World War, from the payment of certain dues, fees, and charges."

S. B. No. 308, A bill to be entitled "An Act providing school districts may remain independent districts regardless of scholastic enrollment; and declaring an emergency."

S. B. No. 200, A bill to be entitled "An Act to be known as the Uniform Stock Transfer Act; providing how title to Certificates and Shares may be transferred; making a certificate fully negotiable; providing that delivery of an unindorsed certificate imposes an obligation to indorse; providing for warranties on sale of certificate; restricting attachment or levy against shares; making provisions regarding altered, lost or destroyed certificates; containing definitions; repealing Article 1334, Revised Civil Statutes, 1925, as amended, and any other Acts or parts of Acts inconsistent with this Act; providing a savings clause; and declaring an emergency."

S. B. No. 344, A bill to be entitled "An Act repealing H. B. No. 462, Regular Session, Forty-fifth Legislature, which prohibits the sale of the pelts of wild fox taken in Bosque County; and declaring an emergency."

S. B. No. 169, A bill to be entitled "An Act to amend Section 21 of Article 695c, of the Revised Civil Statutes of the State of Texas of the year 1925 codification, Chapter 8, under Title 20, being the Public Welfare Act of 1941, also being H. B. No.

611 passed by the Regular Session of the Forty-seventh Legislature of the State of Texas, by adding a new Section thereto to be known as Subsection 21a providing that the Department of Public Welfare shall not consider income derived in payment of labor actually performed or service rendered by the recipients of old age assistance where the total amount for any calendar year does not exceed \$250.00; and declaring an emergency."

S. B. No. 267, A bill to be entitled "An Act to amend Article 119 of the Code of Criminal Procedure of Texas, 1925 Revision, relating to habeas corpus after indictment and after conviction; and declaring an emergency."

S. B. No. 293, A bill to be entitled "An Act amending Articles 4802, 4808, 4809, 4811, 4816, and 4817, and repealing Article 4813, of the Revised Civil Statutes of Texas, 1925; providing severability; and declaring an emergency."

S. B. No. 326, A bill to be entitled "An Act granting permission to M. C. Parrish & Company, a corporation chartered under the laws of Texas, to bring suit against the State of Texas and the State Board of Control, together with any and all other parties who may be proper or necessary in the prosecution of said suit, to ascertain and fix the amount, if any, due said M. C. Parrish & Company, by reason of the shipment, and delivery to, and acceptance by the State Tuberculosis Hospital, at Sanatorium, Texas, of 60.7725 tons of No. 2, Alfalfa hay, at a total price of \$1,142.42, growing out of a contract between the State of Texas and Ross-Hicks Grain Company; and declaring an emergency."

S. B. No. 190, A bill to be entitled "An Act amending Article 2526, Revised Civil Statutes of Texas, 1925, as amended by Acts 1927, Fortieth Legislature, First Called Session, page 161, Chapter 57, and as amended by Acts Forty-fifth Legislature, 1937, page 319, Chapter 164; also amending Article 2537, Revised Civil Statutes of Texas, 1925, as amended by Chapter 89, Acts First Called Session, Forty-third Legislature, and as amended by Acts Forty-fifth Legislature, 1937, page 319, Chapter 164; and declaring an emergency."

S. B. No. 212, A bill to be entitled "An Act making an appropriation to pay J. L. Steirling, Warrant No. 88470, dated February 7, 1935, on which payment is prohibited by the Statute of limitation; and declaring an emergency."

S. B. No. 287, A bill to be entitled "An Act extending non-producing oil, gas and mineral leases granted by the State of Texas on University lands where Federal or State restrictions in effect 120 days before the expiration of the primary term prohibit the owner from drilling, completing or using materials in the drilling or completion of a well, repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 347, A bill to be entitled "An Act exempting Potter County from the provisions of Chapter 7, Title 121, of the Revised Civil Statutes of Texas (1925) and from all laws regulating the inspection of hides and animals and especially from the provisions of Articles 1471 to 1487, both inclusive, of the Penal Code of the State of Texas (1925); and declaring an emergency."

S. B. No. 67, A bill to be entitled "An Act to amend Subsection (1) of Section 9 of H. B. No. 440, Chapter 169, of the Regular Session of the Forty-fifth Legislature as amended by Section 2 of S. B. No. 70, Chapter 392 of the Regular Session of the Forty-seventh Legislature so as to annul the exceptions wherein no record need be kept by such persons of the narcotic drugs so administered, dispensed or professionally used; and expressly repealing Section I-a of S. B. No. 70, Chapter 392, Acts of the Regular Session of the Forty-seventh Legislature which repealed Section I of S. B. No. 70, Chapter 392 of the Regular Session of the Forty-seventh Legislature; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 335, A bill to be entitled "An Act amending Article 5949, Vernon's Civil Statutes of Texas, 1925, as amended, providing for the appointment of Notaries Public for each County of the State of Texas by the Secretary of State; providing the time of such appointments and the term for which such appointments shall be made; providing the qualifications of a Notary Public; providing

that any person residing in an incorporated city, town or village located in two counties may be appointed in either of such counties and authorizing him to act only in the county for which such appointment is made; providing that all applications for appointments as Notary Public shall be made through the county clerk of the county of residence of the applicant; prescribing certain information to be furnished to the county clerk; providing for the furnishing of the names of such applicants by the county clerk to the Secretary of State under the certificate of the county clerk; etc.; and declaring an emergency."

S. B. No. 232, A bill to be entitled "An Act amending S. B. No. 91, Chapter 14 of the General Laws of the Regular Session of the Forty-seventh Legislature so as to declare and recognize for certain tax purposes only Post, Camp, and Unit Exchanges established and operated within the State of Texas, by the United States Military, Naval and Marine forces, as instrumentalities of the United States; providing that the tax on the sale and use of cigarettes shall not apply to sales to or by such Post, Camp or Unit Exchanges where made to officers, soldiers, sailors, nurses, and marines, in the Army, Navy or Marine Corps of the United States and not otherwise; providing at what places and under what conditions sales of cigarettes may be made to officers, soldiers, sailors, nurses and marines of the United States; prohibiting the purchase and receipt of cigarettes by any civilian employee of the United States Government, or any other person, except officers, soldiers, sailors, nurses and marines of the Army, Navy and Marine forces of the United States, from Post, Camp, or Unit Exchanges of such forces, without the State Tax Stamp being affixed to each package thereof, and prohibiting the use and consumption of cigarettes by such persons without paying the tax imposed by law upon cigarettes used or otherwise disposed of in this State; etc.; and declaring an emergency."

S. B. No. 234, A bill to be entitled "An Act to amend Article 2465, Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Forty-first Legislature, page 4, Chapter 17, Sec-

tion 1, by Acts 1929, Forty-first Legislature, Second Called Session, page 168, Chapter 185, Section 1, and by Acts 1941, Forty-seventh Legislature, page 1399, Chapter 634, Section 1, so that the Banking Commissioner may adequately examine Credit Unions, providing for the appointment of Credit Union Examiners and the salary and traveling expenses of such Examiners, for the collection of fees therefor and providing for the deposit of said fees with the State Treasurer; and declaring an emergency."

S. B. No. 280, A bill to be entitled "An Act to provide that insurance companies and associations operating under S. B. No. 135, Acts of the Regular Session of the Forty-sixth Legislature may pay from the mortuary funds any taxes assessed against them because of income to such funds; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 218, A bill to be entitled "An Act providing that any person of good moral character who, on May 22, 1937, had been engaged in the practice of architecture, in this State as his or her principal vocation for a period of at least six (6) months prior to said date and who failed to obtain a registration certificate as provided for in Section 7 of Chapter 478, Acts of 1937, Forty-fifth Legislature, may have thirty (30) days from the date upon which this Act goes into effect in which to file with the Board of Architectural Examiners the affidavit and pay the fee of Twenty-five (\$25.00) Dollars in order to obtain a certificate authorizing such person to practice Architecture in the State of Texas, as provided in said Act, and further amending said Act, and declaring an emergency."

S. B. No. 270, A bill to be entitled "An Act authorizing guardians, executors, and administrators of any estate or guardianship to apply to the Probate Court for permission to sell and convey easements and rights-of-way to any person, corporation, or political entity, or instrumentality authorized to exercise the power of eminent domain for the purposes for which its power of eminent domain is applicable; providing the application to be accompanied by an ap-

raisal of the property signed by one or more real estate men; providing that the appraisal to contain certain information; giving the judge of the Probate Court certain powers; providing the judge of the Probate Court to approve the application when certain conditions are met; providing the court to approve the conveyance of the guardian, and executor, or administrator upon the determination that the bond of such executor, administrator, or guardian is sufficient or require additional bond if necessary; authorizing the Probate Court to refuse permission under certain circumstances; and declaring an emergency."

S. B. No. 286, A bill to be entitled "An Act to amend H. B. No. 73, An Act passed by the First Called Session of the Thirty-third Legislature of the State of Texas to create a more effective road system for Galveston County, Texas, making county commissioners of said county ex-officio precinct road commissioners and prescribing their duties as such, etc., by adding Section 2a providing for additional duties of the county commissioners and by adding Section 2b providing for the payment of traveling expenses to the county commissioners, for the use of their private automobiles, when incurred only in the performance of their duties pertaining to the maintenance of the public road and highways of said county; and declaring an emergency."

S. B. No. 109, A bill to be entitled "An Act providing for commitment of persons of unsound mind to State institutions and hospitals; providing for an inventory and appraisement of all properties of such persons; providing for an inventory and appraisement of all property in the hands of the guardian of the person who is liable for the support of an insane person, if such insane person has a guardian, or is a minor; and declaring an emergency."

S. B. No. 353, A bill to be entitled "An Act to permit the title of certain lands sold by the State of Texas before 1920 to be cleared; to authorize in certain instances the Chairman of the Texas Prison Board to execute quit claim deeds; and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act to protect the public health by regulating the sale, distribution

or possession of, and to require the enrichment of oleomargarine by the addition of vitamins; and specifying ingredients and authorizing the State Health Officer to change or add to the specifications for such ingredients, and to determine the availability thereof; fixing active enforcement date of this Act, and to fix penalties for the violation of same; fixing active enforcement date of this Act; repealing all laws or parts of laws inconsistent with this Act."

S. B. No. 222, A bill to be entitled "An Act amending Section 1 of H. B. No. 125, Chapter 33, page 85, Acts of the Second Called Session of the Forty-third Legislature, 1934; and declaring an emergency."

S. B. No. 348, A bill to be entitled "An Act authorizing the State Highway Commission to designate any county road as a farm-to-market road for construction, reconstruction, and maintenance only, authorizing counties of the State to enter into contracts with the State Highway Commission with reference to said roads; providing that the indebtedness incurred in constructing such roads shall not participate in the County and Road District Highway Fund; declaring the State policy with reference to such roads; and declaring an emergency."

S. B. No. 285, A bill to be entitled "An Act to amend Subdivision 6 of Article 199, Title 8, of the Revised Civil Statutes of Texas of 1925, the same fixing the time and prescribing the number of terms of District Court in and for the Sixth Judicial District of Texas, and further providing that the Judge of the Sixth Judicial District shall convene a grand jury in Fannin County at only two terms of said court in each year, unless in his judgment it be necessary for a grand jury at other terms, and repealing all laws in conflict herewith; and declaring an emergency."

S. B. No. 235, A bill to be entitled "An Act to amend Article 2484, Revised Civil Statutes of Texas, 1925, as thereafter amended, by Acts of 1929, Forty-first Legislature, Second Called Session, page 165, Chapter 85, Section 1, and by Acts 1937, Forty-fifth Legislature, page 217, Chapter 117, Section 1, and by Acts 1939,

Forty-sixth Legislature, page 221, Section 4, so that Banking Commissioner may, for good cause shown, extend time of filing of reports by Credit Unions for a period of not more than sixty days; and declaring an emergency."

S. B. No. 254, A bill to be entitled "An Act to amend Article 1735, Revised Civil Statutes of Texas, 1925, giving the Supreme Court authority or jurisdiction to issue the writ of mandamus or any other mandatory or compulsory writ or process against the Board of County and District Road Indebtedness; and declaring an emergency."

S. B. No. 135, A bill to be entitled "An Act providing workmen's compensation insurance for members of the Texas Defense Guard defining certain words and terms; authorizing the State Highway Department to insure members of the Texas Defense Guard; providing that the State Highway Department shall administer this Act with the assistance of the Adjutant General's Department; prescribing the powers and duties of the Industrial Accident Board and the State Highway Department and the Adjutant General's Department; adopting by reference certain legislative acts relating to workmen's compensation insurance; providing for the time of filing notice of injury and of claim for compensation; providing for appeals from rulings of the Industrial Accident Board; providing that the Adjutant General's Department shall keep permanent records; providing the State Highway Department shall make reports to the Industrial Accident Board of injuries sustained by the members of the Texas Defense Guard, etc.; and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act authorizing the Game, Fish and Oyster Commission of Texas to enter into cooperative agreements with the United States for the protection and management of wildlife resources on certain national forest lands in Texas situated in the Counties of Angelina, Jasper, Nacogdoches, San Augustine, Houston, Trinity, Sabine, Shelby, Montgomery, San Jacinto and Walker and to restock and protect the same; etc.; and declaring an emergency."

S. B. No. 239, A bill to be entitled "An Act to encourage prison discipline; authorizing a system of reward for good prison conduct; providing for the commutation of time for good conduct, industry, and obedience and authorizing the General Manager to make such commutation; authorizing twenty (20) days per month deduction from the term or terms of sentences when no charge of misconduct has been sustained against a prisoner; providing that a prisoner under two (2) or more cumulative sentences shall be allowed commutation as if they were all one (1) sentence; providing for the forfeiture of any part or all of the commutation provided in this Act for each sustained charge of misconduct in violation of any rule known to the prisoner upon recommendation of the Classification Committee and/or the Disciplinary Committee and providing that in case of the escape of a prisoner and he voluntarily returns without expense to the State such forfeiture shall be set aside by the General Manager; providing for and defining the words 'Classification Committee' and 'Disciplinary Committee'; providing that no overtime allowance or credits in addition to the twenty (20) days commutation of time for good conduct may be deducted from the term or terms of sentences except for extra meritorious conduct on the part of the prisoner in which case he shall be recommended to favorable consideration of the Board of Pardons and Paroles and the Governor for increased commutation or pardon; etc.; and declaring an emergency."

S. B. No. 327, A bill to be entitled "An Act to amend Article 1549 of the Penal Code of Texas, Revision of 1925, so to permit the State to elect which offense a party shall be prosecuted for when the act or transaction upon which the prosecution is predicated constitutes both swindling and some other offense."

S. B. No. 281, A bill to be entitled "An Act providing that it is unlawful for any person, firm, corporation or association of persons, to reproduce, print or prepare or to sell or furnish any printed, multigraphed or mimeographed list or lists prepared by or under the direction of the Commissioner of the General Land Office of the State of Texas, offering for sale or lease any State or Public School

Land, and providing a penalty therefor, provided nothing therein shall prohibit the Commissioner of the General Land Office or the School Land Board from advertising in newspapers or otherwise as is provided by law, and providing further that newspapers and periodicals may publish such lists in their regular issues as news items; and declaring an emergency."

S. B. No. 178, A bill to be entitled "An Act providing for the establishment by purchase or lease, and the maintaining of a County Law Library in certain counties; providing for the creation of a County Law Library Fund; providing for the collection of costs in civil cases for the benefit of such fund, and for the administration of such fund; providing for the appointment of a custodian or librarian and assistants, and for the payment therefor out of such fund; etc.; and declaring an emergency."

S. B. No. 262, A bill to be entitled "An Act authorizing the creation of the office of County Purchasing Agent in all counties of this State of more than one hundred forty thousand (140,000) and less than two hundred twenty thousand (220,000) inhabitants according to the last preceding or any future Federal Census, providing for the appointment of such County Purchasing Agent, prescribing his duties, etc.; and declaring an emergency."

S. C. R. No. 19, Granting and giving consent of the Legislature of the State of Texas to the American National Bank of Austin, Texas, a corporation to sue the State of Texas in any court in the State of Texas having jurisdiction over the subject matter upon the claim of said American National Bank of Austin, Texas, growing out of moneys and funds furnished by the said American National Bank of Austin, Texas, to complete the construction of the Auditorium Building at Agriculture and Mechanical College of Texas.

S. C. R. No. 21, Authorizing the Capital National Bank of Austin to sue the State.

S. C. R. No. 28, Authorizing S. J. Layne to sue the State.

S. C. R. No. 48, Granting permission to Ed Davis and wife, Cora Lee Davis, to sue the State.

S. C. R. No. 50, Authorizing certain corrections in S. B. No. 61.

S. C. R. No. 52, Relating to purchase of used equipment by State departments and institutions.

Senate Bill 219 on Second Reading

On motion of Senator Sulak, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 219, A bill to be entitled "An Act to amend Subsection (5) of Section 3 of S. B. No. 47, Chapter 470, Acts of the Regular Session of the Forty-fifth Legislature; so as to provide that any person who was a teacher on January 1, 1930, and who has rendered thirty-five years or more of creditable service as a teacher shall be a member and entitled to benefits under the Teachers Retirement Act, regardless of any other provision and such a person may apply at any time for service retirement; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Metcalfe offered the following amendment to the bill:

Add to Subsection (5) after the word "retirement" in line 29 the following:

"And provided further that service in an elective office of this State shall be credited as regular teaching service counting toward the requirement for 5 years consecutive teaching service for validation of prior teaching service upon the payment of an amount to the Teachers' Retirement Fund equal to such amount as would have been paid had regular teaching service been performed for that time, provided that such provision shall not be applicable to any person who is not engaged in the teaching profession for a period of five years."

(Senator Weinert in the Chair.)

The amendment was adopted.

Senator Brownlee offered the following amendment to the bill:

Amend S. B. No. 219 by striking out the period in line 29 of the

printed bill and substituting a semicolon therefor, and adding the following language:

"Provided also that any person who had credit for more than thirty-five (35) years of prior service as such teacher, and who qualified fully, and applied for retirement more than thirty days prior to August 31, 1941, shall be entitled to optional selection as provided in this Act."

The amendment was adopted.

Senator Lanning offered the following amendment to the bill:

Amend S. B. No. 219 by striking out "35" and substitute in lieu thereof "20" in line 26.

Senator Sulak moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—3

Bullock	Sulak
Shivers	

Nays—18

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Graves	Moore
Hazlewood	Morris
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lovelady	York

Absent

Chadick	Ramsey
Cotten	Stone
Martin	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The amendment was adopted.

On motion of Senator Sulak, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The Senate refused to pass the bill to engrossment by the following vote:

Yeas—10

Aikin	Lovelady
Brownlee	Metcalfe
Bullock	Stone
Hazlewood	Sulak
Jones	York

Nays—14

Beck	Moffett
Chadick	Moore
Graves	Morris
Lane	Shivers
Lanning	Vick
Martin	Weinert
Mauritz	Winfield

Absent

Cotten	Ramsey
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

House Bill 248 on Second Reading

On motion of Senator Winfield, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. B. No. 248, A bill to be entitled "An Act providing for the dissolution of water control and improvement districts whose directors adopt the provisions hereof; etc.; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to third reading.

The bill was read second time.

Senator Winfield offered the following amendments to the bill:

(1)

Amend H. B. No. 248 by adding to Section 2 of the bill, at the end of said Section, the following language: "The maximum amount of bonds (exclusive of interest and expenses of collection) to be issued shall not exceed an amount equal to Two (\$2.00) Dollars times the number of acres in the district for fees and expenses incident to the dissolution of said district."

(2)

Amend H. B. No. 248 by inserting at the proper place the following:

"No water control and improvement district shall avail itself of the provisions of this law until all litigation pending at the time this law becomes effective has been disposed of by final judgment."

The amendments were adopted severally.

On motion of Senator Winfield, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

The bill was passed to third reading.

House Bill 248 on Third Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 248 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Metcalfe
Beck	Moffett
Brownlee	Moore
Bullock	Morris
Chadick	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York
Mauritz	

Absent

Cotten

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Recess

On motion of Senator Martin, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m. today.

Afternoon Session

The Senate met at 2:30 o'clock p. m. and was called to order by the President.

Message from the Governor

The following messages were received, and were read to the Senate and referred to the Committee on Nominations of the Governor:

Austin, Texas,
May 4, 1943.

To the Senate of the Forty-eighth Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointments:

To be Members of the Board of Directors of the Lower Colorado River Authority for six year terms to expire January 1, 1949:

Clay Kuykendall of San Saba, San Saba County (to succeed W. B. Arnold);

Orville Buttery of Llano, Llano County (to succeed John Payne);

Paris Smith of Bay City, Matagorda County (to succeed Carl White).

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Austin, Texas,
May 4, 1943.

To the Senate of the Forty-eighth Legislature:

Acting under authority of H. B. No. 138, passed by the Second Called Session of the Forty-fourth Legislature, the Board of Water Engineers has submitted to me the nominations hereinafter designated, and I am passing such recommendations on to you for your advice, consent and confirmation with respect to the following appointments:

To be Directors of the Guadalupe-Blanco River Authority for six year terms expiring February 1, 1949:

H. M. Davenport of Prairie Lea, Caldwell County;
Edgar Engelke of Seguin, Guadalupe County;
W. H. Smith of Victoria, Victoria County.

To be a Member of the Board of Directors, Nueces River Conservation and Reclamation District, to fill the unexpired term of Judge Jesse Wright, deceased, term to expire February 1, 1945:

Ward McCampbell of Corpus Christi, Nueces County.

Respectfully submitted,
COKE R. STEVENSON,
Governor of Texas.

Senate Bill 278 with House Amendments

Senator Martin called S. B. No. 278 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and the House amendments before the Senate, and the House amendments were read.

Senator Martin moved that the Senate concur in the House amendments.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 157 on Second Reading

On motion of Senator Mauritz, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 157, A bill to be entitled "An Act to amend Article 430 of the

Penal Code of the State of Texas, to further define 'barratry' so as to include an attorney is not prohibited from making application to a county, city, school district or other taxing unit for a contract to collect delinquent taxes; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Mauritz offered the following amendments to the bill:

(1)

Amend S. B. No. 157 by striking out all of the caption and by inserting in lieu thereof the following:

"An Act to amend Article 430 of the Penal Code of the State of Texas to further define 'barratry' so as to provide that an attorney is not prohibited from making application to a county, city, school district or other taxing unit for a contract to collect delinquent taxes; and declaring an emergency."

(2)

Amend S. B. No. 157 by striking out all of Section 2 and by inserting in lieu thereof the following:

"Sec. 2. The fact that no reason seems to exist why attorneys should not be permitted to make application to counties, cities, school districts or other taxing units for contracts to collect delinquent taxes, and the further fact that the calendars of both Houses are badly crowded creates an emergency and an imperative public necessity authorizing that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act is to take effect and be in force from and after its passage, and it is so enacted."

The amendments were adopted severally.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 157, adding at the end of Section 1, the following:

"if such contracts are authorized by law."

✓The amendment was adopted.

Record of Vote

Senator Morris asked to be recorded as voting "nay" on the amendment.

The bill was passed to engrossment.

Senate Bill 157 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 157 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—21

Beck	Mauritz
Brownlee	Metcalfe
Bullock	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Winfield
Lovelady	York
Martin	

Nays—5

Aikin	Moore
Chadick	Weinert
Moffett	

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Bills Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled bills:

H. B. No. 135, A bill to be entitled "An Act amending Section 29, H. B. 611, Acts of the Forty-seventh Legislature, Regular Session, providing that the county judge may endorse the last warrant written for the old-age assistance, etc.; and declaring an emergency."

H. B. No. 342, A bill to be entitled "An Act providing for the trial of persons in misdemeanor cases only in the precinct in which the offense was committed, etc.; and declaring an emergency."

H. B. No. 523, A bill to be entitled "An Act authorizing the conveyance by the State Board of Control of the State of Texas of certain land for the purpose of constructing blast furnaces, iron foundries and any and all other improvements for the purpose of developing the iron ore deposits in the vicinity of Rusk in Cherokee County, Texas; etc.; and declaring an emergency."

H. B. No. 709, A bill to be entitled "An Act amending Chapter 202, Acts of the Regular Session of the Forty-third Legislature, providing that this Act shall apply to any foreign corporation that shall transact business in Texas, requiring such corporation to keep some resident agent empowered to accept process during all the time said corporation shall transact or do any business within this State; etc.; and declaring an emergency."

H. B. No. 230, A bill to be entitled "An Act to regulate every agency of the State heretofore or hereafter created by the Legislature to carry out the purpose of the Conservation Amendment to the Constitution of Texas, being Section 59, Article XVI; etc.; and declaring an emergency."

H. B. No. 286, An Act appropriating \$5000.00 to Live Stock Sanitary Commission for purchase of dip, etc.

Senate Bill 89 with House Amendments

Senator Morris moved to reconsider the vote by which the Senate today concurred in the House amendments to S. B. No. 89.

The motion to reconsider prevailed. (Senator Martin in the Chair.)

Committee Substitute House Bill 9 on Final Passage

Senator Chadick called C. S. H. B. No. 9 from the table for further consideration at this time:

The Presiding Officer laid the bill before the Senate on its final passage, with an amendment by Senator Chadick striking out all of the bill except the enacting clause and inserting in lieu thereof the complete text of a substitute bill pending.

Question—Shall the amendment be adopted?

Senator Chadick offered the following amendment to the amendment:

Amend Chadick amendment to H. B. No. 9, by inserting following the last work in Section I, the following:

"The funds now on hand in/or hereafter deposited to, the credit of the Old Age Assistance Fund are hereby appropriated for the uses and purposes prescribed by law, subject however to the provisions of this Act. This appropriation is for the remainder of the fiscal year ending August 31, 1943."

Senator Moore offered the following amendment to the amendment to the amendment:

Amend the Chadick amendment by adding thereto the following:

"The \$1,900,000.00 per month herein appropriated shall be and is in lieu of all other appropriations for Old Age Assistance."

The amendment of Senator Moore was adopted.

The amendment to the amendment as amended was adopted.

The amendment as amended was adopted by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalf
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

On motion of Senator Moore, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended and was amended by adding thereto the following after the next to the last clause thereof:

“Appropriating Old Age Assistance Fund for the remainder of the fiscal year ending August 31, 1943.”

The bill was passed by the following vote:

Yeas—24

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Winfield
Lovelady	York

Nays—2

Moore	Weinert
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Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

Senate Bill 207 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 207, A bill to be entitled “An Act amending an Act of the Regular Session of the Forty-seventh Legislature declaring and recognizing for certain tax purposes post, camp, or unit exchanges established and operated within the State of Texas, by or in conjunction with the United States military naval, or marine forces, instrumentalities and agencies of the United States, being Chapter 14 of the General and Special Laws passed by the Forty-seventh Legislature at its Regular Session in 1941,

by adding thereto two new Sections, providing that Veterans hospitals established and operated within the State of Texas by or in conjunction with the Veterans Administration shall be recognized for such tax purposes as therein set out to be instrumentalities and agencies of the United States Government; that the provisions of said law shall extend and apply to such Veterans hospitals; providing that where cigarettes have been heretofore sold by a Veterans hospital or its concessionaire without collecting the State stamp tax thereon while acting in good faith under the belief that such cigarettes were not subject to a State stamp tax, none of such taxes shall now be collected; and declaring an emergency.”

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 207 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 207 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

Absent—Excused

Fain	Lemens
Formby	Spears
Kelley	

**Committee Substitute Senate Bill 304
on Second Reading**

On motion of Senator Vick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C.S.S.B. No. 304, A bill to be entitled "An Act amending Article 4726 of the Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, page 96, Chapter 62; such amended Article, as hereby amended, prescribing and regulating the circumstances in, and conditions upon, which insurance companies organized under the provisions of Chapter 3 or Chapter 7 of Title 78 of such statutes may acquire, own, use, and convey, and must convey, real estate and interests in real estate and liens upon real estate; and providing for escheat for violation; providing severability; and declaring an emergency."

The Presiding Officer laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Report of Standing Committee

Senator Weinert, by unanimous consent, submitted the following report:

Austin, Texas,
May 4, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred H. B. No. 391, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed and not otherwise printed.

WEINERT, Chairman.

Adjournment

On motion of Senator Moffett, the Senate, at 3:55 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

SIXTY-THIRD DAY

(Wednesday, May 5, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Bullock	Moore
Chadick	Morris
Cotten	Ramsey
Graves	Shivers
Hazlewood	Stone
Jones	Sulak
Lane	Vick
Lanning	Weinert
Lovelady	Winfield
Martin	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of the legislative day of Monday, May 3, 1943, was dispensed with and the Journal was approved.

(Senator Lovelady in the Chair.)